

1 SENATE BILL NO. 151
2 INTRODUCED BY D. LENZ

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND
5 HUMAN SERVICES TO ADOPT RULES RELATING TO CHILD SUPPORT OBLIGATIONS IN CHILD ABUSE
6 AND NEGLECT CASES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE
7 EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 NEW SECTION. **Section 1. Rulemaking authority for referral and assignment of child support**

12 **obligations.** (1) The department shall adopt rules that require an assignment of rights to child support to the
13 state for children entering foster care only in very rare circumstances in which:

- 14 (a) there will be only positive or no adverse effects on the child; or
- 15 (b) the assignment will not impede successful achievement of the child's permanency plan.
- 16 (2) The rules may adopt a categorical exemption for all children entering foster care.
- 17 (3) The rules may reflect that securing an assignment of rights to child support for children entering
18 foster care is not appropriate unless the parent or guardian is above a certain income level.

19
20 NEW SECTION. **Section 2. Transition.** The department of public health and human services shall
21 adopt rules pursuant to [section 1] by September 1, 2023.

22
23 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
24 integral part of Title 41, chapter 3, part 1, and the provisions of Title 41, chapter 3, part 1, apply to [section 1].

25
26 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

27 - END -